

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HIRAM TORRES,

Plaintiff,

No. 12 Civ. 6527 (LTS) (SN)

-against-

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

Pro se Plaintiff Hiram Torres (“Plaintiff”) brings this action, pursuant to Section 205(g) of the Social Security Act (the “Act”), 42 U.S.C. § 405(g), seeking judicial review of the final determination of the Commissioner of Social Security (“Commissioner”) denying his application for Supplemental Security Insurance (“SSI”) benefits. The Commissioner moved for judgment on the pleadings pursuant to Rule 12(c) of the of the Federal Rules of Civil Procedure. Before the Court is the Report and Recommendation (the “Report”) of Magistrate Judge Sarah Netburn, recommending that the Commissioner’s motion be granted. No objections to the Report have been filed.

When reviewing a report and recommendation, the Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C.S. § 636(b)(1)(C) (LexisNexis 2013). “To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” Wilds v. United Parcel Service, Inc., 262 F. Supp.2d 163, 169 (S.D.N.Y. 2003) (internal citations and quotation marks omitted)).

Having reviewed Magistrate Judge Netburn’s thorough and well-reasoned Report,

to which no objection was made, the Court finds no clear error. Therefore, the Court adopts the Report in its entirety. Accordingly, the Court grants the Commissioner's motion. This Order resolves docket entry no. 21. The Plaintiff's action is dismissed and the Clerk of Court is directed to close this case.

The Plaintiff's failure to file written objections precludes appellate review of this decision. See Caidor v. Onondaga County, 517 F.3d 601, 604 (2d Cir. 2008). The Court therefore certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith, and in forma pauperis status is denied for the purpose of an appeal. Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

SO ORDERED.

Dated: New York, New York
January 22, 2014

/S
LAURA TAYLOR SWAIN
United States District Judge

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